

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**KEIM T.S., INC., and
BURL RICHARDS,**

Plaintiffs,

vs.

**BEST TRUCKING BUSINESS, INC., and
MANUEL RUBIO LOPEZ,**

Defendants.

8:19CV318

AMENDED PROGRESSION ORDER

This matter comes before the Court on the parties' Joint Motion to Continue Discovery and Expert Deadlines ([Filing No. 28](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Joint Motion to Continue Discovery and Expert Deadlines ([Filing No. 28](#)) is granted, and the final progression order is amended as follows:

- 1) The trial and pretrial conference are cancelled and will be rescheduled at a later date.
- 2) A telephonic conference to discuss the status of case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **April 10, 2020**, at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **May 19, 2020**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **June 2, 2020**.
Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.
- 4) The deadlines to identify expert witnesses and to complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs:

May 19, 2020

For the defendants:

July 17, 2020

Plaintiffs' rebuttal:

July 31, 2020

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **August 8, 2020**.
- 6) The deposition deadline is **August 28, 2020**.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is **August 28, 2020**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 18th day of March, 2020.

BY THE COURT:

Michael D. Nelson
United States Magistrate Judge